

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LUDMYLA SKORYCHENKO,

Plaintiff,

ORDER

v.

08-cv-626-slc

ERNEST F. TOMPKINS,

Defendant.

In this case plaintiff Ludmyla Skorychenko was allowed to proceed *in forma pauperis* on her claim to enforce an affidavit of support against a sponsor under the Immigration and Naturalization Act, 8 U.S.C. § 1183a(a), (e). This case is currently proceeding with briefing on plaintiff's motion for summary judgment, with defendant's opposition materials due by April 9, 2009, and plaintiff's reply due by April 20, 2009. Now plaintiff has filed two submissions, one titled "Plaintiff's Motion to Make a Final Decision Based on the Papers Alone," and the other titled "Plaintiff's Objection of Preliminary Pretrial Conference Order Dated March 3, 2009," which I construe as a motion to amend the preliminary pretrial conference order.

In her motion she asks the court to rule on her summary judgment motion without a court hearing, and "to make a final decision based on the papers alone." This motion will be denied as unnecessary. Plaintiff should be assured that the court will make a decision on the summary judgment motion without a hearing, but should also note that the case will only be resolved on summary judgment if no material factual issues exist. If there are genuine disputes about material issues of fact, then trial will be necessary.

Which brings us to plaintiff's motion to amend the preliminary pretrial conference order. Plaintiff argues that the time line for resolving this case should be greatly compressed because she suffers "great hardship and government spends taxpayers' money in order to provide me while I have sponsor." In particular she asks for the briefing on summary judgment to be reduced to 20 days for defendant's opposition materials and 10 days for her reply, and then for trial to be scheduled for April 14, 2009 rather than the current date of January 25, 2010. I will deny this motion as well. The summary judgment briefing schedule has been set, and in conformance with this court's procedures, defendant has been given 30 days to file his opposition materials. There is no reason to shorten defendant's time to respond. As for changing the trial date, plaintiff's motion is premature. Should the court not resolve the case on summary judgment, plaintiff may refile her motion to change the trial date. Accordingly, IT IS ORDERED that plaintiff's "Motion to Make a Final Decision Based on the Papers Alone," dkt. #25, and motion to amend the preliminary pretrial conference order, dkt. #26, are DENIED.

Entered this 14th day of March, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge